IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3830 OF 2005

Mr. Madan Tarachand Samant ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri. Mohan Pungliya for the Applicant.
Ms. R.M. Gadhvi A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JUNE 27, 2005.

P.C.:

1. Heard Counsel appearing for the Applicant and the learned A.P.P. for the State. F.I.R., has been registered against the Applicant vide C.R.No.302 of 2005 for the offences under Sections 420 and 406 of the Indian Penal Code. The complainant is one Govindram Ahuja. The case of the complainant is that he has entered into agreement with M/s.Samant Estate Private Limited for acquiring a flat. According to his case he paid a sum of Rs.1,00,000/- to M/s. Samant Estate Private Limited of which the Applicant is Director and he paid a further sum of Rs.2,00,000 in the year 1996. It is case of the Complainant that as the builder was unable to complete the construction, the said booking was cancelled and in the year 1999 a letter of allotment was issued by the

Applicant in his capacity as Director of M/s.M.S.Realty Pvt Ltd. in favour of the Complainant by which it was agreed to allot an office premises in a another building "Chaitanya Plaza". The Complainant has stated that the Applicant has not executed the agreement in respect of the office premises though a further sum of Rs.10,00,000/- is paid by him. Allegation has been made against the Applicant by one more flat purchaser Mrs. Alka Jhamb regarding acceptance of an amount in the year 1999 and non-payment of the same.

2. After having considered the prosecution case against the Applicant, it is obvious that the dispute is between the flat purchasers and the Applicant who is the Director of a Company carrying on business as developers. It is obvious that custodial interrogation of the Applicant is not required for investigation of such offence.

3. Hence, case is made out for grant of anticipatory bail in favour of the Applicant. However, stringent conditions will have been imposed on the Applicant. In view of the law laid down by the Supreme Court, this order will enure to the benefit of the Applicant only for a limited duration.

4. Hence, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicant in connection with C.R.No.302 of 2005 registered with the Economic Offences Wing, Crime Branch, Pune, the Applicant shall be enlarged on bail subject to Applicant furnishing a P.R.Bond in sum of Rs.75,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to conidition of the Applicant attending the concerned Police Station/Office for the purposes of investigation as and when called upon to do so by the Investigating Officer.

iii) The Applicant shall be enlarged on bail only on the Applicant depositing with the Investigating Officer his passport, if any. If the Applicant does not possess any passport, he will file an affidavit to that effect within a period of one week from today.

iv)The Applicant will not make any attempt either directly or indirectly to influence or pressurise the prosecution witnesses and to tamper with the prosecution evidence.

v) The Application is disposed in above terms.

vi)Parties to act upon an authenticated copy of this order.

JUDGE